

# Notice of Allowability

Application No.

10/829,031

Examiner

Jared I. Rutz

Applicant(s)

ZOHAR ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/21/2004.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-30 as originally filed are pending in the instant application. Of these, there are 2 independent claims and 28 dependent claims.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 4/21/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Reasons for Allowance***

3. **Claims 1-30** are allowed over the prior art of record.
4. **Claim 1** recites the limitations "*transmitting from the port, in response to the access request, a plurality of delivery requests for the data to the respective plurality of data storage units*" and "*forwarding from the port to the host the data comprised in the earliest-arriving response*". These limitations are taught by the specification at least at page 11 lines 27-34 and page 13 lines 3-7. These limitations, in combination with the other recited limitations of claim 1, are not taught or suggested by the prior art of record.
5. **Claims 2-15** are allowable for at least the same reasons as claim 1.
6. **Claim 16** recites the limitations "*a data port which is adapted to: receive an access request for the data from a host, transmit, in response to the access request, a plurality of delivery requests for the data to the respective plurality of data storage units*" and "*forward to the host the data comprised in the earliest-arriving response*". These

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limitations are taught by the specification at least at page 11 lines 27-34 and page 13 lines 3-7. These limitations, in combination with the other recited limitations of claim 1, are not taught or suggested by the prior art of record.

7. **Claims 17-30** are allowable for at least the same reasons as claim 16.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Feng et al. (US 2001/0025313) teaches a method for identifying a mirror having the shortest response time from a group of mirrors having the shortest response time by resting each of the mirrors, see paragraphs 0036-0038, but does not teach or suggest *"transmitting from the port, in response to the access request, a plurality of delivery requests for the data to the respective plurality of data storage units"* and *"forwarding from the port to the host the data comprised in the earliest-arriving response"* or *"a data port which is adapted to: receive an access request for the data from a host, transmit, in response to the access request, a plurality of delivery requests for the data to the respective plurality of data storage units"* and *"forward to the host the data comprised in the earliest-arriving response"* as recited in claims 1 and 16.

10. Kiselev et al. (US 7,028,156) teaches a method and system for recovering from data corruption by requesting data from multiple mirrors and returning a copy of the

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received data to the requesting host, see column 2 lines 24-39,, but does not teach or suggest *"transmitting from the port, in response to the access request, a plurality of delivery requests for the data to the respective plurality of data storage units"* and *"forwarding from the port to the host the data comprised in the earliest-arriving response"* or *"a data port which is adapted to: receive an access request for the data from a host, transmit, in response to the access request, a plurality of delivery requests for the data to the respective plurality of data storage units"* and *"forward to the host the data comprised in the earliest-arriving response"* as recited in claims 1 and 16.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared I. Rutz whose telephone number is (571) 272-5535. The examiner can normally be reached on M-F 8:00 AM - 4:00 PM.

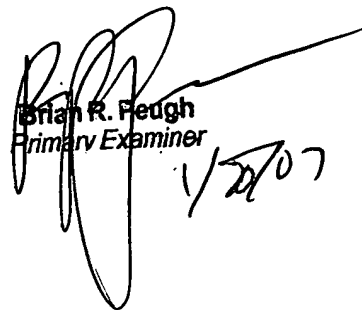
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jared I Rutz  
Examiner  
Art Unit 2187

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Brian R. Feugh  
Primary Examiner  
1/28/07